

Exhibit C

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<p>1 Allan</p> <p>2</p> <p>3</p> <p>4</p> <p>5 February 14, 2012</p> <p>6 10:08 a.m.</p> <p>7</p> <p>8 Videotaped deposition of COLIN</p> <p>9 ALLAN, held at the offices of Thompson</p> <p>10 Wigdor, LLP, 85 Fifth Avenue, New</p> <p>11 York, New York, pursuant to notice,</p> <p>12 before Philip Rizzuti, a Notary Public</p> <p>13 of the State of New York</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Allan</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4 THOMPSON WIGDOR</p> <p>5 Attorneys for Plaintiff</p> <p>6 85 Fifth Avenue</p> <p>7 New York, New York 10003</p> <p>8 BY: KENNETH THOMPSON, ESQ.</p> <p>9 PAUL CLARK, ESQ.</p> <p>10</p> <p>11 KASOWITZ BENSON TORRES & FRIEDMAN</p> <p>12 Attorneys for Defendants</p> <p>13 1633 Broadway</p> <p>14 New York, New York 10019</p> <p>15 BY: MARK LERNER, ESQ.</p> <p>16 GARRETT KENNEDY, ESQ.</p> <p>17 BLYTHE LOVINGER, ESQ.</p> <p>18</p> <p>19 NEWS AMERICA INCORPORATED</p> <p>20 1211 Avenue of the Americas</p> <p>21 New York, New York 10036</p> <p>22 BY: J. JORDAN LIPPNER, ESQ.</p> <p>23</p> <p>24 ALSO PRESENT:</p> <p>25 CARLOS LOPEZ, Videographer</p>
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<p>1 Allan</p> <p>2 IT IS HEREBY STIPULATED AND AGREED</p> <p>3 by and between counsel for the respective</p> <p>4 parties hereto, that the filing, sealing and</p> <p>5 certification of the within deposition shall</p> <p>6 be and the same are hereby waived;</p> <p>7 IT IS FURTHER STIPULATED AND AGREED</p> <p>8 that all objections, except as to the form</p> <p>9 of the question, shall be reserved to the</p> <p>10 time of the trial;</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that the within deposition may be signed</p> <p>13 before any Notary Public with the same force</p> <p>14 and effect as if signed and sworn to before</p> <p>15 the Court.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Allan</p> <p>2 THE VIDEOGRAPHER: This is the</p> <p>3 start of the tape labelled number 1 of</p> <p>4 the videotape deposition of Colin Allan</p> <p>5 in the matter of Sandra Guzman versus</p> <p>6 News Corp. This deposition is being held</p> <p>7 at 85 Fifth Avenue, New York, New York,</p> <p>8 on February 14, 2012 at approximately</p> <p>9 10:08 a.m.</p> <p>10 My name is Carlos Lopez from TSG</p> <p>11 Reporting Inc., I am the legal video</p> <p>12 specialist. The court reporter is Phil</p> <p>13 Rizzuti in association with TSG</p> <p>14 Reporting.</p> <p>15 Will counsel please introduce</p> <p>16 themselves?</p> <p>17 MR. LERNER: For the defendants</p> <p>18 Mark Lerner, Kasowitz, Benson, Torres &</p> <p>19 Friedman. Blythe Lovinger and Garrett</p> <p>20 Kennedy also for Kasowitz, Benson, Torres</p> <p>21 & Friedman.</p> <p>22 MR. LIPPNER: Jordan Lippner,</p> <p>23 in-house counsel, counsel for Colin</p> <p>24 Allan.</p> <p>25 MR. THOMPSON: Ken Thompson,</p>

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<p>1 Allan</p> <p>2 communicated to him about Sandra Guzman's</p> <p>3 termination?</p> <p>4 A. No.</p> <p>5 Q. Have you ever spoke to or</p> <p>6 communicated with Mr. Murdoch about Austin</p> <p>7 Fenner?</p> <p>8 A. No.</p> <p>9 Q. About Ikimalisa Livingston?</p> <p>10 A. No.</p> <p>11 Q. I want you now to look at Exhibit</p> <p>12 1 again?</p> <p>13 A. Yes.</p> <p>14 Q. And I specifically direct you to</p> <p>15 the paragraph that says over the past couple</p> <p>16 of days, you see that sir?</p> <p>17 A. Yes.</p> <p>18 Q. It states: Over the past couple</p> <p>19 of days I have spoken to a number of people</p> <p>20 and I now better understand the hurt this</p> <p>21 cartoon has caused. At the same time I have</p> <p>22 had conversations with Post editors about the</p> <p>23 situation and I can assure you, without a</p> <p>24 doubt, that the only intent of that cartoon</p> <p>25 was to mock a badly written piece of</p>	<p>1 Allan</p> <p>2 legislation. It was not meant to be racist,</p> <p>3 but unfortunately it was interpreted by many</p> <p>4 as such.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Mr. Allan, were you one of the</p> <p>8 editors that spoke to Rupert Murdoch about the</p> <p>9 cartoon?</p> <p>10 A. Yes.</p> <p>11 Q. When did you first speak to him</p> <p>12 about that monkey cartoon?</p> <p>13 A. The day it was published.</p> <p>14 Q. Did you speak to him before or</p> <p>15 after it was published?</p> <p>16 A. After.</p> <p>17 Q. And describe the substance --</p> <p>18 strike that.</p> <p>19 Was it an in person or telephone</p> <p>20 conversation?</p> <p>21 A. Telephone.</p> <p>22 MR. LIPPNER: Objection.</p> <p>23 Q. Where were you at the time?</p> <p>24 A. In the office.</p> <p>25 Q. Did he call you or did you call</p>
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<p>1 Allan</p> <p>2 him?</p> <p>3 MR. LIPPNER: Objection.</p> <p>4 A. He called me.</p> <p>5 Q. When he called you what did he</p> <p>6 say?</p> <p>7 A. He said that he was aware that</p> <p>8 there were -- that some people had been</p> <p>9 offended by the cartoon.</p> <p>10 Q. What else did he say?</p> <p>11 A. Nothing more.</p> <p>12 Q. How long did the conversation</p> <p>13 last?</p> <p>14 A. Not long.</p> <p>15 Q. Okay, how long?</p> <p>16 A. Couple of minutes.</p> <p>17 Q. So now clearly he had to say more</p> <p>18 to you during those couple of minutes Mr.</p> <p>19 Allan; right?</p> <p>20 A. I spoke.</p> <p>21 Q. Okay. So tell us in substance</p> <p>22 what you said to your boss Rupert Murdoch</p> <p>23 about the monkey cartoon when he called you</p> <p>24 that day when it was published?</p> <p>25 A. I told him that I had chosen the</p>	<p>1 Allan</p> <p>2 cartoon.</p> <p>3 MR. LERNER: Hold on. Mr. Allan,</p> <p>4 with respect to your process of selecting</p> <p>5 the cartoon, evaluating it for</p> <p>6 publication, there is an editorial</p> <p>7 privilege which you have as a journalist</p> <p>8 which protects you from needing to</p> <p>9 disclose those subjects. You can comment</p> <p>10 about things that occurred after the</p> <p>11 fact, but you should not testify about</p> <p>12 what your state of mind was or thinking</p> <p>13 was as a journalist relating to your</p> <p>14 decision to publish the cartoon?</p> <p>15 THE WITNESS: I understand.</p> <p>16 MR. THOMPSON: This is why we</p> <p>17 disagree. We do not believe that that</p> <p>18 privilege applies here. Are you going to</p> <p>19 instruct her not to answer the question I</p> <p>20 am asking regarding his conversations</p> <p>21 with Mr. Murdoch and what he said about</p> <p>22 the cartoon.</p> <p>23 MR. LERNER: What I am instructing</p> <p>24 him is that if his conversations with</p> <p>25 Mr. Murdoch go into the editorial process</p>

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<p>1 Allan</p> <p>2 of selecting a cartoon, then he should</p> <p>3 not answer the question based on the</p> <p>4 editorial privilege.</p> <p>5 MR. THOMPSON: So we will mark the</p> <p>6 questions you instruct him not to answer,</p> <p>7 we will get a ruling. Also I just want</p> <p>8 to make it clear both of you should not</p> <p>9 be speaking on the record. You should</p> <p>10 not object. We have Jordan Lippner</p> <p>11 objecting, we have you speaking. Who is</p> <p>12 defending this deposition?</p> <p>13 MR. LERNER: I am here as counsel</p> <p>14 for the papers. Mr. Lippner is here as</p> <p>15 counsel for Mr. Allan.</p> <p>16 MR. THOMPSON: So Mr. Lippner is</p> <p>17 going to be counsel for Mr. Allan and</p> <p>18 your 30(b)(6) witness in this case;</p> <p>19 because that is what we were told?</p> <p>20 MR. LERNER: Yes.</p> <p>21 Q. All right, let's continue Mr.</p> <p>22 Allan. So before Rupert Murdoch called you</p> <p>23 did you know that people were offended by the</p> <p>24 cartoon?</p> <p>25 A. I became aware, yes.</p>	<p>1 Allan</p> <p>2 Q. How did you become aware?</p> <p>3 A. I don't recall.</p> <p>4 Q. You don't recall?</p> <p>5 A. I don't.</p> <p>6 Q. Well do you recall the first</p> <p>7 person who told you that people were offended?</p> <p>8 A. No.</p> <p>9 Q. So as you sit here today the first</p> <p>10 person you can identify who told you that</p> <p>11 people were offended was Rupert Murdoch?</p> <p>12 MR. LERNER: Objection.</p> <p>13 MR. LIPPNER: Objection.</p> <p>14 A. I was aware before then.</p> <p>15 Q. I understand that, but my question</p> <p>16 is different sir. My question is can you</p> <p>17 identify the first person who told you that</p> <p>18 people were offended by that cartoon?</p> <p>19 A. I cannot.</p> <p>20 Q. So as you sit here now the only</p> <p>21 person that you can recall telling you first</p> <p>22 that the cartoon offended people was Rupert</p> <p>23 Murdoch?</p> <p>24 MR. LERNER: Objection.</p> <p>25 A. I was aware people were offended,</p>
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<p>1 Allan</p> <p>2 it was on the blogs.</p> <p>3 Q. So let's go back to that</p> <p>4 conversation you had with your boss. He</p> <p>5 called you up and he told you that he was</p> <p>6 aware that people were offended by that</p> <p>7 cartoon; correct?</p> <p>8 A. Yes.</p> <p>9 Q. What did you say to him in</p> <p>10 response to his statement that he knew that</p> <p>11 people were offended?</p> <p>12 A. I told him the cartoon was not</p> <p>13 offensive. I told him that it mocked the</p> <p>14 Congressional stimulus bill, and that that was</p> <p>15 clear, and that it was my opinion that it was</p> <p>16 inoffensive.</p> <p>17 Q. It was not offensive?</p> <p>18 A. Yes.</p> <p>19 Q. Did you say anything else to</p> <p>20 Mr. Murdoch during that telephone call?</p> <p>21 A. I don't recall.</p> <p>22 Q. Do you recall if he said anything</p> <p>23 else to you about the cartoon during that</p> <p>24 call?</p> <p>25 A. I don't believe so.</p>	<p>1 Allan</p> <p>2 Q. Well when you told your boss that</p> <p>3 the cartoon wasn't offensive how did he</p> <p>4 respond to that statement?</p> <p>5 A. I don't recall.</p> <p>6 Q. As you sit here today do you still</p> <p>7 believe that cartoon is not offensive?</p> <p>8 A. Yes.</p> <p>9 DI Q. So I want to direct your attention</p> <p>10 again to Deposition Exhibit 1, well let me ask</p> <p>11 you another question before I go to that</p> <p>12 exhibit again.</p> <p>13 Do you believe that it was a</p> <p>14 mistake to publish that cartoon?</p> <p>15 MR. LIPPNER: Mr. Allan, with</p> <p>16 respect to the decision to publish the</p> <p>17 cartoon you as a journalist have an</p> <p>18 editorial privilege not to comment on the</p> <p>19 decision to publish or not publish</p> <p>20 material in your newspaper, and on that</p> <p>21 basis I would advise you not to answer</p> <p>22 that question.</p> <p>23 Q. Mr. Allan, are you going to answer</p> <p>24 that question?</p> <p>25 A. I am going to take the advice of</p>

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<p>1 Allan</p> <p>2 counsel.</p> <p>3 MR. THOMPSON: Can we mark that</p> <p>4 for a ruling.</p> <p>5 Q. I want to direct your attention to</p> <p>6 Exhibit 1, the paragraph that starts last week</p> <p>7 we made a mistake.</p> <p>8 A. Yes.</p> <p>9 Q. What was your understanding of</p> <p>10 what Mr. Rupert Murdoch was referring to when</p> <p>11 he said we made a mistake?</p> <p>12 MR. LERNER: Objection.</p> <p>13 A. In publishing the cartoon.</p> <p>14 DI Q. So it was your understanding that</p> <p>15 Rupert Murdoch believed that it was a mistake</p> <p>16 to publish the cartoon?</p> <p>17 MR. LERNER: Objection. You can</p> <p>18 ask him what this piece of paper says,</p> <p>19 but with respect to his conversations</p> <p>20 with Mr. Murdoch and any other belief</p> <p>21 that he may have formed based on a</p> <p>22 privileged conversation as a journalist,</p> <p>23 I am going to advise him not to answer.</p> <p>24 MR. THOMPSON: That is improper,</p> <p>25 and Mr. Lerner, are you now Mr. Allan's</p>	<p>1 Allan</p> <p>2 attorney, because Jordan Lippner is not</p> <p>3 saying anything. So who is objecting on</p> <p>4 whose behave; that is why it is</p> <p>5 confusing. Jordan Lippner says he is his</p> <p>6 attorney and he is silent, but you are</p> <p>7 objecting on behalf of Mr. Allan.</p> <p>8 MR. LERNER: Yes. I am objecting</p> <p>9 on behalf of the defendants.</p> <p>10 MR. THOMPSON: The objection is</p> <p>11 baseless. We are going to get a ruling.</p> <p>12 DI Q. Mr. Allan, do you agree or</p> <p>13 disagree with Rupert Murdoch's statement that</p> <p>14 the publication of the cartoon was a mistake?</p> <p>15 MR. LERNER: Objection. Instruct</p> <p>16 you not to answer that.</p> <p>17 Q. Are you going to answer that</p> <p>18 question?</p> <p>19 A. I am going to take the advice of</p> <p>20 counsel.</p> <p>21 Q. Do you believe -- strike that.</p> <p>22 Going back to this exhibit, that</p> <p>23 same paragraph it goes on and says: Rupert</p> <p>24 Murdoch goes on and says we ran a cartoon that</p> <p>25 offended many people?</p>
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<p>1 Allan</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Do you agree that it offended many</p> <p>5 people?</p> <p>6 MR. LERNER: Objection.</p> <p>7 Q. You can answer.</p> <p>8 MR. LERNER: You can answer if you</p> <p>9 know.</p> <p>10 A. Yes.</p> <p>11 Q. Why do you believe it offended</p> <p>12 many people?</p> <p>13 MR. LIPPNER: Objection.</p> <p>14 A. Well there were hundreds of</p> <p>15 protesters outside our building.</p> <p>16 Q. People were protesting the fact</p> <p>17 that the New York Post published a cartoon of</p> <p>18 an ape being shot; correct?</p> <p>19 A. Yes.</p> <p>20 Q. People believed that that ape</p> <p>21 represented President Barack Obama; correct?</p> <p>22 MR. LIPPNER: Objection.</p> <p>23 A. Yes, and they believed that.</p> <p>24 Q. Do you believe that the New York</p> <p>25 Post should have apologized for that cartoon?</p>	<p>1 Allan</p> <p>2 A. No.</p> <p>3 Q. So in this E-mail that reflects</p> <p>4 Mr. Murdoch's public apology he stated: Today</p> <p>5 I want to personally apologize to any readers</p> <p>6 who felt offended and even insulted.</p> <p>7 So you disagree with his decision</p> <p>8 to apologize?</p> <p>9 MR. LERNER: Objection.</p> <p>10 A. Yes.</p> <p>11 DI Q. Why?</p> <p>12 MR. LERNER: Hold on. The witness</p> <p>13 should not answer these questions.</p> <p>14 MR. THOMPSON: Are you instructing</p> <p>15 him not to answer that?</p> <p>16 MR. LERNER: Yes.</p> <p>17 Q. Mr. Allan, are you going to answer</p> <p>18 that question?</p> <p>19 A. I am going to take the advice of</p> <p>20 counsel.</p> <p>21 DI Q. Did you tell Mr. Murdoch that you</p> <p>22 didn't think it was a mistake for publishing</p> <p>23 the cartoon?</p> <p>24 MR. LERNER: Objection. Don't</p> <p>25 answer the question.</p>

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<p>1 Allan</p> <p>2 Q. Are you going to answer the</p> <p>3 question?</p> <p>4 A. I am going to take the advice of</p> <p>5 counsel.</p> <p>6 DI Q. Did you tell Mr. Murdoch that you</p> <p>7 disagreed with apologizing for this</p> <p>8 publication?</p> <p>9 MR. LERNER: Instruct the witness</p> <p>10 not to answer.</p> <p>11 Q. Are you going to answer the</p> <p>12 question?</p> <p>13 A. I am going to take the advice of</p> <p>14 counsel.</p> <p>15 Q. Now you spoke to Mr. Murdoch the</p> <p>16 day the monkey cartoon was published about the</p> <p>17 cartoon and the fact that people were offended</p> <p>18 by it; correct?</p> <p>19 A. Correct.</p> <p>20 Q. Did you speak to him on any other</p> <p>21 occasion about that cartoon?</p> <p>22 A. I believe the following day.</p> <p>23 DI Q. Well what happened the following</p> <p>24 day?</p> <p>25 MR. LERNER: Mr. Allan, if it</p>	<p>1 Allan</p> <p>2 relates to any editorial decisionmaking</p> <p>3 you should not answer the question.</p> <p>4 A. I take the advice of counsel.</p> <p>5 Q. Are you going to answer the</p> <p>6 question?</p> <p>7 A. I am going to take the advice of</p> <p>8 counsel.</p> <p>9 Q. But you did meet with</p> <p>10 Mr. Murdoch -- strike that.</p> <p>11 Did you meet with him in person or</p> <p>12 speak to him by telephone the second time you</p> <p>13 spoke to him about the cartoon?</p> <p>14 MR. LIPPNER: Objection.</p> <p>15 Q. You can answer?</p> <p>16 A. Telephone.</p> <p>17 Q. Did he call you or you called him?</p> <p>18 A. I don't recall.</p> <p>19 Q. How long did you speak to him?</p> <p>20 A. I don't recall.</p> <p>21 DI Q. What did you say to him about the</p> <p>22 cartoon on that second call?</p> <p>23 MR. LERNER: Objection. He has</p> <p>24 already indicated based on the</p> <p>25 journalistic privilege he will not answer</p>
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<p>1 Allan</p> <p>2 that question.</p> <p>3 MR. THOMPSON: That is an improper</p> <p>4 invocation of that privilege Mr. Lerner.</p> <p>5 MR. LERNER: You don't know that</p> <p>6 because you don't know what the</p> <p>7 conversation was about, and the witness</p> <p>8 has been clearly instructed on the</p> <p>9 contours of privilege, and he has told us</p> <p>10 that he can't answer the question based</p> <p>11 on the privilege.</p> <p>12 MR. THOMPSON: He has been coached</p> <p>13 on that, not that he has told us.</p> <p>14 MR. LERNER: He has been</p> <p>15 instructed on the record here and he made</p> <p>16 his decision in front of you here.</p> <p>17 Q. Mr. Allan, did you ever meet with</p> <p>18 Rupert Murdoch in person regarding the</p> <p>19 cartoon?</p> <p>20 A. No.</p> <p>21 Q. Do you know if Rupert Murdoch</p> <p>22 spoke to any other editors of the New York</p> <p>23 Post about the cartoon?</p> <p>24 A. No.</p> <p>25 Q. So in his public apology when he</p>	<p>1 Allan</p> <p>2 stated I have had conversations with Post</p> <p>3 editors, plural, did you know if that was true</p> <p>4 in February of 2009?</p> <p>5 A. I don't know.</p> <p>6 Q. I am asking you in February of</p> <p>7 2009 when you saw this did you know if it was</p> <p>8 true that Rupert Murdoch spoke with other New</p> <p>9 York Post editors?</p> <p>10 MR. LERNER: Objection.</p> <p>11 MR. LIPPNER: Objection.</p> <p>12 Q. You can answer?</p> <p>13 A. I don't know who he spoke to.</p> <p>14 Q. Well did any of the editors in the</p> <p>15 New York Post tell you that they had spoken to</p> <p>16 Rupert Murdoch about the cartoon?</p> <p>17 A. No.</p> <p>18 Q. So as far as you know the only</p> <p>19 editor at the Post that he spoke to about the</p> <p>20 cartoon was you; is that correct?</p> <p>21 MR. LERNER: Objection.</p> <p>22 A. Yes.</p> <p>23 Q. Do you have any reason to doubt</p> <p>24 that Rupert Murdoch spoke to more than one</p> <p>25 editor at the New York Post about the cartoon?</p>

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<p>1 Allan</p> <p>2 Q. So Sandra Guzman, and was she with</p> <p>3 Danica Lo or somebody else?</p> <p>4 A. I think Danica Lo was there, I am</p> <p>5 sorry, I don't remember.</p> <p>6 Q. So continue, what happened after</p> <p>7 Ms. Guzman and other employees came up to you?</p> <p>8 A. I bought them a drink. At some</p> <p>9 point I received an E-mail from the office</p> <p>10 that contained for my perusal a picture of a</p> <p>11 naked man.</p> <p>12 Q. Who sent you that picture?</p> <p>13 A. Somebody on the photo desk.</p> <p>14 Q. Do you recall who?</p> <p>15 A. I don't.</p> <p>16 Q. Did the E-mail say anything about</p> <p>17 the picture of the naked man?</p> <p>18 A. I don't recall.</p> <p>19 Q. What happened after you received</p> <p>20 the picture of the naked man by E-mail?</p> <p>21 A. I was aware of what it was. I had</p> <p>22 been told by whomever was editing the Sunday</p> <p>23 paper at the time that we were likely going to</p> <p>24 obtain a picture, a lewd picture of a man that</p> <p>25 sat above the bed of the governor of New</p>	<p>1 Allan</p> <p>2 Jersey.</p> <p>3 Q. Who at the time --</p> <p>4 MR. LIPPNER: Are you done with</p> <p>5 your answer?</p> <p>6 THE WITNESS: Yes.</p> <p>7 Q. When you say the governor of New</p> <p>8 York are you referring to Jim McGreevey?</p> <p>9 A. Yes.</p> <p>10 Q. So you knew that, or thought that</p> <p>11 the Post was going to get a picture --</p> <p>12 A. I knew that we had --</p> <p>13 Q. A lewd picture?</p> <p>14 A. Yes, I knew that we had obtained a</p> <p>15 lewd picture of the governor.</p> <p>16 Q. Right.</p> <p>17 A. And I had asked before I left the</p> <p>18 office because it was getting late in the day,</p> <p>19 that they might E-mail it to me.</p> <p>20 Q. Please continue?</p> <p>21 A. The purpose of the E-mailing it to</p> <p>22 me was for me to consider it for publication.</p> <p>23 This was undertaken in the context of the</p> <p>24 scandal surrounding the governor's sex life,</p> <p>25 which was public knowledge. And I showed it</p>
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<p>1 Allan</p> <p>2 to Jesse Angelo who was with me and we briefly</p> <p>3 discussed it. Whether or not or how we might</p> <p>4 be able to publish the picture in a way that</p> <p>5 was not offensive to people.</p> <p>6 Q. What did you say to Mr. Angelo and</p> <p>7 what did he say to you about that?</p> <p>8 A. Well we discussed the obvious,</p> <p>9 that we would have to disguise his groin, we</p> <p>10 would have to cover it up.</p> <p>11 Q. Because you didn't want to offend</p> <p>12 anyone; right?</p> <p>13 A. Precisely.</p> <p>14 Q. Because you would agree people,</p> <p>15 some people may get offended if they had to</p> <p>16 look at a picture of a naked man with his</p> <p>17 genitals exposed?</p> <p>18 A. Possibly.</p> <p>19 Q. So did you and Jesse Angelo talk</p> <p>20 about anything else regarding that picture?</p> <p>21 A. No, we just discussed that it was</p> <p>22 sort of a striking image for the governor of</p> <p>23 New Jersey to have over his bed, and that we</p> <p>24 discussed how we might be able to make it</p> <p>25 suitable for publication.</p>	<p>1 Allan</p> <p>2 Q. Did you receive this picture on</p> <p>3 your Blackberry?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Do you still have that picture on</p> <p>6 your Blackberry?</p> <p>7 A. I have an iPhone now, so I don't</p> <p>8 know.</p> <p>9 Q. Did you ever save that picture on</p> <p>10 your Blackberry?</p> <p>11 A. I don't know.</p> <p>12 Q. So what happened -- strike that.</p> <p>13 Were you and Jesse Angelo just</p> <p>14 talking among yourselves about how you can</p> <p>15 publish this photo without offending anyone?</p> <p>16 MR. LIPPNER: Objection.</p> <p>17 A. We were standing at the bar</p> <p>18 discussing it.</p> <p>19 Q. Was it just the two of you</p> <p>20 discussing it at that time?</p> <p>21 A. Yes.</p> <p>22 Q. Then what happened next?</p> <p>23 A. One of the ladies asked us what we</p> <p>24 were talking about.</p> <p>25 Q. Who?</p>

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<p>1 Allan</p> <p>2 A. I don't recall.</p> <p>3 Q. What did they say -- strike that.</p> <p>4 What did that person say?</p> <p>5 A. They said -- I don't remember</p> <p>6 exactly the words.</p> <p>7 Q. In substance what did that person</p> <p>8 say?</p> <p>9 A. What is so interesting.</p> <p>10 Q. What did you say?</p> <p>11 A. I said there is a picture here of</p> <p>12 a naked guy that decorates Governor</p> <p>13 McGreevey's bedroom.</p> <p>14 Q. Was there any other conversation</p> <p>15 about that?</p> <p>16 A. Sure.</p> <p>17 Q. Continue to describe it?</p> <p>18 A. They wanted to see it.</p> <p>19 Q. Who wanted to see it?</p> <p>20 A. The ladies.</p> <p>21 Q. Well you said one of the ladies</p> <p>22 asked you what was going on. What did the</p> <p>23 other lady say?</p> <p>24 A. Nothing.</p> <p>25 Q. Do you know if Sandra Guzman was</p>	<p>1 Allan</p> <p>2 the person who asked you what was going on?</p> <p>3 A. I don't recall.</p> <p>4 Q. Do you recall if Sandra Guzman</p> <p>5 said anything to you about that picture?</p> <p>6 A. I don't. I don't recall.</p> <p>7 Q. But you do recall a female</p> <p>8 employee asked you what was going on in</p> <p>9 connection with the picture?</p> <p>10 A. Yes, they asked me what was so</p> <p>11 interesting.</p> <p>12 Q. Do you recall if the second female</p> <p>13 employee said anything to you at all during</p> <p>14 this conversation about the picture?</p> <p>15 A. I can only tell you one of them</p> <p>16 asked me can we see it please.</p> <p>17 Q. One of them, but they both did not</p> <p>18 ask you that?</p> <p>19 A. No, one of them asked.</p> <p>20 Q. Then what did you do at that point</p> <p>21 Mr. Allan?</p> <p>22 A. I showed them.</p> <p>23 Q. How did you show them?</p> <p>24 A. I handed them my Blackberry.</p> <p>25 Q. So you physically handed your</p>
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<p>1 Allan</p> <p>2 Blackberry to them?</p> <p>3 A. Yes.</p> <p>4 Q. How did they respond -- strike</p> <p>5 that.</p> <p>6 Who did you hand your Blackberry</p> <p>7 to first?</p> <p>8 A. I don't recall.</p> <p>9 Q. Was that the first time as</p> <p>10 Editor-in-Chief of the Post that you showed a</p> <p>11 naked picture to a female employee?</p> <p>12 A. No.</p> <p>13 Q. So you showed naked pictures to</p> <p>14 other female employees?</p> <p>15 A. Possibly.</p> <p>16 Q. Do you recall as you sit here now</p> <p>17 any other occasions when you showed a naked</p> <p>18 picture to a female employee as</p> <p>19 Editor-in-Chief of the Post?</p> <p>20 A. Yes.</p> <p>21 Q. So how many other times have you</p> <p>22 shown a picture of a naked man to a female</p> <p>23 employee at the New York Post?</p> <p>24 A. How many times?</p> <p>25 Q. Yes.</p>	<p>1 Allan</p> <p>2 A. Twice.</p> <p>3 Q. Was this the very first time that</p> <p>4 you had shown a picture of a naked man?</p> <p>5 A. I don't remember.</p> <p>6 Q. Where were you the second time</p> <p>7 that you showed a picture of a naked man to a</p> <p>8 female employee?</p> <p>9 A. I don't recall. It may have been</p> <p>10 in the office.</p> <p>11 Q. Do you recall the identity of that</p> <p>12 female employee who you showed the other</p> <p>13 picture of a naked man to?</p> <p>14 A. I don't. But again it was</p> <p>15 somebody who was in the midst of a group of</p> <p>16 people who were curious about the image.</p> <p>17 Q. I am going to the second time, I</p> <p>18 want to finish talking to you about this time</p> <p>19 in Langan's?</p> <p>20 A. Right.</p> <p>21 Q. So you handed your Blackberry to</p> <p>22 one of the women?</p> <p>23 A. Yes.</p> <p>24 Q. And what did they do at that</p> <p>25 point?</p>

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<p>1 Allan</p> <p>2 A. No, sir.</p> <p>3 Q. Was this picture subsequently</p> <p>4 published in the New York Post?</p> <p>5 A. Yes.</p> <p>6 Q. Was it published just like this?</p> <p>7 A. No, sir.</p> <p>8 Q. How did the picture that was</p> <p>9 published in the Post differ from this one?</p> <p>10 A. His waist was covered up.</p> <p>11 DI Q. Why was his waist covered up?</p> <p>12 MR. LIPPNER: Objection. Instruct</p> <p>13 you not to answer on the editorial</p> <p>14 privilege.</p> <p>15 MR. THOMPSON: Baseless objection.</p> <p>16 Please mark this part of the deposition</p> <p>17 for another ruling.</p> <p>18 Q. Mr. Allan, I am showing you now</p> <p>19 what has been marked as Allan Deposition</p> <p>20 Exhibit 9, Bates stamped NYP 3998.</p> <p>21 (Allan Exhibit 9, document Bates</p> <p>22 numbered NYP 3998, marked for</p> <p>23 identification, as of this date.)</p> <p>24 Q. Tell me if you recognize this</p> <p>25 document?</p>	<p>1 Allan</p> <p>2 A. Yes.</p> <p>3 Q. What is that exhibit?</p> <p>4 A. Who is it?</p> <p>5 Q. What is this exhibit, what does it</p> <p>6 show?</p> <p>7 A. Page 3 of the Post.</p> <p>8 Q. So this is the subsequent</p> <p>9 publication of the picture with the</p> <p>10 individual's crouch blocked out?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Now I want to direct your</p> <p>13 attention to the second time you said you</p> <p>14 showed a female employee a picture of a naked</p> <p>15 man. Was that in the news room?</p> <p>16 A. It could have been.</p> <p>17 Q. Who was present?</p> <p>18 A. I don't recall. I mean there are</p> <p>19 journalists.</p> <p>20 Q. Where were you specifically when</p> <p>21 you showed this picture?</p> <p>22 A. I mean I don't recall. I mean I</p> <p>23 could have been in the office. I don't know.</p> <p>24 Q. Mr. Allan, as the Editor-in-Chief</p> <p>25 of the Post do you have a habit of showing</p>
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<p>1 Allan</p> <p>2 pictures of naked men to female employees?</p> <p>3 MR. LIPPNER: Objection.</p> <p>4 A. No, sir.</p> <p>5 Q. So this is the second time you say</p> <p>6 you showed a picture of a naked man to a</p> <p>7 female employee and yet you don't recall where</p> <p>8 you were at the time?</p> <p>9 A. These people are journalists, they</p> <p>10 see offensive material constantly.</p> <p>11 Q. So the picture you showed the</p> <p>12 second time was offensive; right?</p> <p>13 MR. LERNER: Objection.</p> <p>14 Q. I am asking was it offensive?</p> <p>15 A. It was news.</p> <p>16 Q. Was it offensive?</p> <p>17 MR. LIPPNER: Objection.</p> <p>18 MR. LERNER: Asked and answered.</p> <p>19 Q. You can answer the question?</p> <p>20 A. Was it offensive; no.</p> <p>21 Q. Was it lewd?</p> <p>22 A. Maybe.</p> <p>23 Q. Why do you say maybe?</p> <p>24 A. Well it was a news picture.</p> <p>25 Q. Describe the picture you showed</p>	<p>1 Allan</p> <p>2 another female employee of a naked man?</p> <p>3 A. It was a photograph of a man who</p> <p>4 was standing on a fire escape in The Bronx and</p> <p>5 who was subsequently -- he was naked and he</p> <p>6 was subsequently tasered by the police and he</p> <p>7 died. And as I do I sought the counsel of</p> <p>8 some of my colleagues about taste, and whether</p> <p>9 or not it was appropriate for the paper to run</p> <p>10 such a picture, or how we might run such a</p> <p>11 picture so that it was not offensive to our</p> <p>12 readers.</p> <p>13 Q. So you believed that some of your</p> <p>14 readers might have found the picture offensive</p> <p>15 the way you had it?</p> <p>16 A. Yes.</p> <p>17 Q. So you recall soliciting counsel</p> <p>18 from some of your staff members about whether</p> <p>19 you should publish the picture and if so how?</p> <p>20 A. Yes.</p> <p>21 Q. But yet you don't recall if that</p> <p>22 was in the news room or somewhere else?</p> <p>23 A. Sir I do it every day, I don't</p> <p>24 recall.</p> <p>25 Q. Was it in the offices of the New</p>

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<p>1 Allan</p> <p>2 Q. Did Jesse Angelo ever tell you</p> <p>3 that Leonard Greene complained to him about</p> <p>4 the cartoon?</p> <p>5 A. I don't recall.</p> <p>6 Q. If Leonard Greene complained to</p> <p>7 Jesse Angelo about that cartoon would you have</p> <p>8 expected Jesse Angelo to have told you about</p> <p>9 it?</p> <p>10 A. He may have done. I don't recall.</p> <p>11 Q. That is not my question. My</p> <p>12 question is would you have expected Jesse</p> <p>13 Angelo to have told you about it?</p> <p>14 A. Yes.</p> <p>15 Q. Why?</p> <p>16 A. It would be the right thing to do.</p> <p>17 Q. Did anyone in human resources ever</p> <p>18 tell you that Leonard Greene had complained</p> <p>19 about the monkey cartoon?</p> <p>20 A. I don't recall.</p> <p>21 Q. Well Mr. Allan if your black</p> <p>22 reporters -- strike that.</p> <p>23 If you learned that your black</p> <p>24 reporters complained about the monkey cartoon</p> <p>25 you would recall that; right?</p>	<p>1 Allan</p> <p>2 A. Excuse me.</p> <p>3 Q. If you knew at one point that your</p> <p>4 black reporters had complained about the</p> <p>5 monkey cartoon that is not something that you</p> <p>6 would forget; right?</p> <p>7 A. I guess yes, I wouldn't forget.</p> <p>8 Q. As you sit here now do you know if</p> <p>9 Leonard Greene ever complained about the</p> <p>10 monkey cartoon?</p> <p>11 A. I don't know.</p> <p>12 Q. Did you ever talk to him about the</p> <p>13 monkey cartoon?</p> <p>14 A. No.</p> <p>15 Q. Mr. Allan, I am showing you what</p> <p>16 has been marked as Allan Deposition Exhibit</p> <p>17 17, please take a moment to review it?</p> <p>18 A. Sure.</p> <p>19 (Allan Exhibit 17, affidavit of</p> <p>20 Leonard Greene, marked for</p> <p>21 identification, as of this date.)</p> <p>22 MR. LIPPNER: Take your time and</p> <p>23 read the whole thing please.</p> <p>24 A. Yes.</p> <p>25 Q. Mr. Allan, do you agree that</p>
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<p>1 Allan</p> <p>2 Leonard Greene has been subjected to race</p> <p>3 discrimination during his employment at the</p> <p>4 Post?</p> <p>5 A. I do not.</p> <p>6 Q. Did he ever apply to become an</p> <p>7 editor?</p> <p>8 A. I don't know.</p> <p>9 Q. Did he ever apply to become a</p> <p>10 columnist?</p> <p>11 A. Yes.</p> <p>12 Q. When did he apply to become a</p> <p>13 columnist?</p> <p>14 A. I don't recall.</p> <p>15 Q. How many times did he apply to</p> <p>16 become a columnist?</p> <p>17 A. A couple.</p> <p>18 Q. Why didn't he become a columnist</p> <p>19 at the New York Post?</p> <p>20 A. I'm sorry?</p> <p>21 Q. Why hasn't Leonard Greene become a</p> <p>22 columnist at the New York Post?</p> <p>23 A. Because I don't think that he</p> <p>24 would be a good columnist for the newspaper.</p> <p>25 Q. Why not sir?</p>	<p>1 Allan</p> <p>2 MR. LIPPNER: Objection. This</p> <p>3 goes to your editorial.</p> <p>4 MR. THOMPSON: It does not. The</p> <p>5 fact that I am asking him why he didn't,</p> <p>6 Mr. Lippner, please don't invoke this</p> <p>7 baseless privilege to coach the witness.</p> <p>8 My question is why didn't he think that</p> <p>9 Leonard Greene would make a good</p> <p>10 columnist at the newspaper.</p> <p>11 MR. LERNER: You can talk about</p> <p>12 what you regard as his qualifications for</p> <p>13 being a columnist at the New York Post.</p> <p>14 A. I think that Leonard is an</p> <p>15 excellent reporter, an excellent writer, but I</p> <p>16 don't believe that he would make a strong</p> <p>17 columnist for the newspaper.</p> <p>18 Q. Why not?</p> <p>19 A. I think it takes a certain kind of</p> <p>20 attitude. In many ways Leonard is too even</p> <p>21 tempered, too nice to be a good columnist for</p> <p>22 the newspaper.</p> <p>23 Q. Well he has the writing skills to</p> <p>24 be a columnist; right?</p> <p>25 A. Yes, I would agree with that.</p>

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<p>1 Allan</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. Would you agree Mr. Allan that in</p> <p>5 this country there has been a -- strike that.</p> <p>6 Would you agree that in this</p> <p>7 country there have been racist images</p> <p>8 depicting black people?</p> <p>9 A. Yes.</p> <p>10 MR. LERNER: Objection.</p> <p>11 Q. Would you agree that some of those</p> <p>12 racist images depict black people as primates?</p> <p>13 MR. LERNER: Objection.</p> <p>14 A. I am not familiar with them, I</p> <p>15 don't understand that history.</p> <p>16 Q. You don't understand the history</p> <p>17 of what?</p> <p>18 A. I don't understand the history of</p> <p>19 the affiliation of black people and primates,</p> <p>20 I am not aware of that.</p> <p>21 Q. Has anyone at the Post ever told</p> <p>22 you that there is a history in this country of</p> <p>23 black people being portrayed as primates?</p> <p>24 MR. LERNER: You can answer that</p> <p>25 question if it doesn't involve</p>	<p>1 Allan</p> <p>2 conversations with lawyers.</p> <p>3 MR. LIPPNER: And if it doesn't</p> <p>4 involve decisions or discussions</p> <p>5 concerning putting something in the -- in</p> <p>6 any of your editorial decisions with the</p> <p>7 New York Post.</p> <p>8 A. I became aware of that after we</p> <p>9 published cartoon.</p> <p>10 Q. Who made you aware of it?</p> <p>11 A. The people who were upset, who</p> <p>12 protested.</p> <p>13 Q. Did any employees at the Post make</p> <p>14 you aware of that?</p> <p>15 A. I don't recall. Possibly.</p> <p>16 Q. You would recall if someone who</p> <p>17 was part of your editorial staff told you that</p> <p>18 black people have been portrayed as primates?</p> <p>19 A. Mr. Thompson, they may have said</p> <p>20 so, but I don't recall. I recall becoming</p> <p>21 aware of that history.</p> <p>22 Q. What specific knowledge did you</p> <p>23 become aware of regarding the history of how</p> <p>24 black people have been portrayed in the</p> <p>25 country?</p>
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<p>1 Allan</p> <p>2 A. I became aware that there was a</p> <p>3 derogatory association between black people</p> <p>4 and primates.</p> <p>5 DI Q. In light of your awareness after</p> <p>6 the monkey cartoon was published that black</p> <p>7 people had been portrayed as primates in this</p> <p>8 country, do you now believe it was a mistake</p> <p>9 to publish that cartoon?</p> <p>10 MR. LERNER: Objection. You</p> <p>11 should not answer questions that relate</p> <p>12 to editorial decisionmaking at the Post.</p> <p>13 That question gets to the editorial</p> <p>14 decision to publish the material, and</p> <p>15 therefore it should not be answered.</p> <p>16 MR. THOMPSON: Please mark this</p> <p>17 for a ruling. Mr. Lerner, you are</p> <p>18 completely wrong. We are asking him</p> <p>19 about whether he now believes in</p> <p>20 retrospect that it was a mistake. First</p> <p>21 of all are you instructing him not to</p> <p>22 answer?</p> <p>23 MR. LERNER: It was asked and</p> <p>24 answered this morning.</p> <p>25 MR. THOMPSON: Are you instructing</p>	<p>1 Allan</p> <p>2 him not to answer that question?</p> <p>3 MR. LERNER: I am advising him</p> <p>4 that he has an editorial privilege.</p> <p>5 MR. THOMPSON: Okay. As you know</p> <p>6 you are not sitting here as Mr. Allan's</p> <p>7 attorney. It is completely improper for</p> <p>8 you to sit here on the record and give</p> <p>9 him any type of legal advice when Mr.</p> <p>10 Lippner claims to be representing him at</p> <p>11 this deposition.</p> <p>12 This is another issue that we are</p> <p>13 going to raise with the court. It is</p> <p>14 completely inappropriate for you and Mr.</p> <p>15 Lippner to tag team making objections and</p> <p>16 now you have decided to provide Mr. Allan</p> <p>17 who you don't even represent with legal</p> <p>18 advice on the record. That is improper.</p> <p>19 MR. LERNER: I disagree with your</p> <p>20 characterization of the deposition. I</p> <p>21 disagree with tag team. And I disagree</p> <p>22 with the notion that I am not Mr. Allan's</p> <p>23 attorney and I can't give him legal</p> <p>24 advice.</p> <p>25 MR. THOMPSON: Okay, now is it</p>

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<p>1 Allan</p> <p>2 THE VIDEOGRAPHER: The time is</p> <p>3 5:53, we are going off the record.</p> <p>4 (Recess taken.)</p> <p>5 THE VIDEOGRAPHER: The time is</p> <p>6 6:13 p.m., we are back on the record,</p> <p>7 video number 6.</p> <p>8 Q. Mr. Allan, did you ever make any</p> <p>9 public statements about the monkey cartoon?</p> <p>10 MR. LIPPNER: Objection.</p> <p>11 A. I don't believe so.</p> <p>12 Q. Did you ever make any statements</p> <p>13 to the press about the monkey cartoon?</p> <p>14 A. I don't believe so.</p> <p>15 Q. Did you ever say anything about</p> <p>16 the monkey cartoon to Al Sharpton in the</p> <p>17 press?</p> <p>18 A. Say it again.</p> <p>19 Q. I will rephrase it.</p> <p>20 Mr. Allan, was there ever an</p> <p>21 editorial published in the Post after the</p> <p>22 monkey cartoon that was published that made</p> <p>23 reference to the protesters outside the</p> <p>24 building?</p> <p>25 A. I believe so, yes.</p>	<p>1 Allan</p> <p>2 Q. Did you have any role in</p> <p>3 connection with that editorial?</p> <p>4 A. Yes.</p> <p>5 DI Q. What role did you have, sir?</p> <p>6 MR. LERNER: Objection.</p> <p>7 MR. LIPPNER: Objection. Instruct</p> <p>8 you not to answer on the grounds of</p> <p>9 editorial privilege.</p> <p>10 MR. THOMPSON: Mark that as</p> <p>11 another baseless objection. Are you</p> <p>12 instructing Mr. Allan not to answer the</p> <p>13 question?</p> <p>14 MR. LIPPNER: I am instructing him</p> <p>15 that he has an editorial privilege and if</p> <p>16 the question would require him to reveal</p> <p>17 what went into the decisionmaking and the</p> <p>18 creation of an editorial, then he is not</p> <p>19 to answer.</p> <p>20 Q. Mr. Allan, are you going to answer</p> <p>21 that question?</p> <p>22 A. I am going to act on the advice of</p> <p>23 counsel.</p> <p>24 Q. Do you recall what the actual</p> <p>25 editorial that appeared in the paper said</p>
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<p>1 Allan</p> <p>2 about the protests over the cartoon?</p> <p>3 A. No.</p> <p>4 Q. Well didn't it say that Al</p> <p>5 Sharpton was partly responsible for the</p> <p>6 protests?</p> <p>7 MR. LERNER: Objection.</p> <p>8 A. I don't recall.</p> <p>9 Q. Do you recall if that editorial</p> <p>10 apologized for the cartoon?</p> <p>11 A. I don't recall.</p> <p>12 Q. There is an allegation in Ms.</p> <p>13 Guzman's complaint that at one point the New</p> <p>14 York Post was going to depict Jews as sewer</p> <p>15 rats?</p> <p>16 A. Excuse me.</p> <p>17 Q. At one point the New York Post was</p> <p>18 going to depict Jews as sewer rats; is that</p> <p>19 true?</p> <p>20 A. I never heard that, I don't know</p> <p>21 about that.</p> <p>22 Q. I am going to show you what has</p> <p>23 been marked as Allan Exhibit 15, and I am</p> <p>24 going to ask that you take a look at it and</p> <p>25 tell us if you recognize it.</p>	<p>1 Allan</p> <p>2 (Allan Exhibit 15, cartoon,</p> <p>3 marked for identification, as of this</p> <p>4 date.)</p> <p>5 A. Yes.</p> <p>6 Q. What is Exhibit 15?</p> <p>7 A. It is a Delonas cartoon published</p> <p>8 in the New York Post.</p> <p>9 Q. This is the cartoon that I have</p> <p>10 been referring to as the monkey cartoon;</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. And it was published in the New</p> <p>14 York Post on February 18, 2009; right?</p> <p>15 A. Yes.</p> <p>16 Q. And would you agree Mr. Allan that</p> <p>17 it depicts two white police officers shooting</p> <p>18 it looks like an ape?</p> <p>19 A. Yes.</p> <p>20 Q. Would you agree that the cartoon</p> <p>21 depicts the ape with several bullet holes?</p> <p>22 A. Yes.</p> <p>23 Q. Would you also agree that the</p> <p>24 cartoon depicts, shows one of the police</p> <p>25 officers holding a gun that is smoking;</p>

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<p>1 Allan</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. Would you agree that one of the</p> <p>5 cops depicted in this cartoon is stating --</p> <p>6 strike that -- states: They will have to find</p> <p>7 someone else to write the next stimulus bill?</p> <p>8 A. Yes.</p> <p>9 Q. Now, Mr. Allan, would you agree</p> <p>10 that in the February 18, 2009 edition of the</p> <p>11 New York Post there was a picture of President</p> <p>12 Barack Obama signing the stimulus bill in</p> <p>13 Denver, Colorado?</p> <p>14 A. I don't recall.</p> <p>15 Q. Do you recall that there was a</p> <p>16 picture of the president signing the stimulus</p> <p>17 bill before the page that contained this</p> <p>18 cartoon?</p> <p>19 A. I don't recall.</p> <p>20 Q. Do you recall that the New York</p> <p>21 Post also ran an editorial which referred to</p> <p>22 the stimulus bill as Obama's stimulus bill in</p> <p>23 that same paper on February 18, 2009?</p> <p>24 A. I don't recall.</p> <p>25 Q. The ape in this picture was</p>	<p>1 Allan</p> <p>2 intended to be President Barack Obama; is that</p> <p>3 correct?</p> <p>4 A. That is incorrect.</p> <p>5 Q. Do you recall ever referring to</p> <p>6 the protesters outside the building as being</p> <p>7 minorities and uneducated?</p> <p>8 A. No.</p> <p>9 Q. Did you ever refer to the</p> <p>10 protesters outside of the building at 1211</p> <p>11 Avenue of the Americas as being minorities?</p> <p>12 A. No.</p> <p>13 Q. Did you ever refer to the</p> <p>14 protesters outside the building as being</p> <p>15 uneducated?</p> <p>16 A. No.</p> <p>17 Q. Were the protesters -- strike</p> <p>18 that.</p> <p>19 You said earlier I think there</p> <p>20 were hundreds of protesters in front of the</p> <p>21 building?</p> <p>22 A. Yes.</p> <p>23 Q. Did you see them?</p> <p>24 A. Yes.</p> <p>25 Q. Could you tell if they were mostly</p>
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<p>1 Allan</p> <p>2 people of color?</p> <p>3 A. Yes.</p> <p>4 Q. Did they have signs?</p> <p>5 A. I don't recall.</p> <p>6 Q. Did they appear to be angry?</p> <p>7 A. Yes.</p> <p>8 Q. Did you know that they were</p> <p>9 accusing the New York Post of being racist in</p> <p>10 connection with this cartoon?</p> <p>11 A. Yes.</p> <p>12 Q. Mr. Allan, your attorneys in this</p> <p>13 case filed an answer to Ms. Guzman's amended</p> <p>14 complaint on behalf of News Corporation, New</p> <p>15 York Post and yourself. Are you aware of</p> <p>16 that?</p> <p>17 A. Yes.</p> <p>18 Q. In paragraph 81 of the answer that</p> <p>19 was filed on your behalf states that: The</p> <p>20 plaintiff spoke with Ms. Jennifer Jehn</p> <p>21 regarding the cartoon.</p> <p>22 Do you know if that was true or</p> <p>23 not?</p> <p>24 A. Yes.</p> <p>25 Q. In paragraph 84 of the answer</p>	<p>1 Allan</p> <p>2 filed on your behalf it states that: The</p> <p>3 plaintiff spoke with Mr. Rabinowitz about the</p> <p>4 cartoon.</p> <p>5 Do you know if that is true?</p> <p>6 A. I don't know.</p> <p>7 Q. Joe Rabinowitz never told you that</p> <p>8 Ms. Guzman spoke to him about the cartoon?</p> <p>9 A. Not that I recall.</p> <p>10 Q. Did you review this answer before</p> <p>11 it was filed?</p> <p>12 A. I don't recall.</p> <p>13 Q. Would you have expected Joseph</p> <p>14 Rabinowitz to tell you that Ms. Guzman spoke</p> <p>15 to him about the cartoon if that had happened?</p> <p>16 A. Yes.</p> <p>17 Q. Why?</p> <p>18 A. It is not unimportant.</p> <p>19 Q. So you would agree, would you not</p> <p>20 Mr. Allan, the fact that Ms. Guzman spoke to</p> <p>21 Joe Rabinowitz about the cartoon was</p> <p>22 important?</p> <p>23 A. Yes.</p> <p>24 Q. This is something that you should</p> <p>25 have known about; correct?</p>